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REMARKS

Claims 1-11 are pending in the application. Applicants amend claim 1 for clarification, and refer to Figs. 2 and 5 and their corresponding description in the specification for exemplary embodiment of and support for the claimed invention. No new matter has been added.

Applicants submitted a claim for foreign priority under 35 U.S.C. § 119 from Japanese Patent Application No. 2002-282516 (filed September 27, 2002), and a certified copy of the foreign priority application. Applicants respectfully request that the Examiner properly acknowledge the priority claim and the receipt of the certified copy of the priority document.

Applicants further request that the Examiner indicate acceptance of the drawings.

Applicants acknowledge with appreciation the Examiner's allowance of claim 11 and the finding that claims 5 and 8-9 contain allowable subject matter. Applicants submit that the reasons for allowability provided for these claims only include the Examiner's interpretation, which should in no way limit the scope of the allowable claims. Applicants further submit that claim 1, as demonstrated below, is allowable over the references cited against it, and, accordingly, request that the Examiner allow claims 5 and 8-9, which depend from claim 1.

The Examiner objected to claim 1 for the alleged informality of not including the article "an" in the preamble to modify the claimed term "[o]utdoor radio equipment." Applicants respectfully submit that "equipment" is a non-count noun that does not require such an article, and request that the Examiner withdraw the objection.

Claims 1-4, 6-7, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,548,643 to Dalgleish et al. in view of U.S. Patent No. 5,754,949 to Kumagai et al. Applicants amend claim 1 in a good faith effort to clarify the invention as distinguished from the cited references. Applicants respectfully traverse the rejection.

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The Examiner applied the interface module 12 and the radio transmitting and receiving module 14 described in Dalgleish et al. as alleged disclosure of the claimed "common part" and "radio transmitting and receiving part," respectively. The lower module 14 described in Dalgleish et al. "comprises a housing consisting of a front housing portion 30 ... and a rear housing portion 32," col. 5, lines 47-49. As shown in Figs. 1 and 3 of Dalgleish et al., the lower module 14 is completely enclosed in the housing, which does not provide any exposure to open air. The Examiner cited col. 11, line 58 to col. 12, line 20 of Dalgleish et al. as alleged disclosure of the claimed feature of exposing the radio transmitting and receiving part to "open air." Page 2, lines 20-21 of the Office Action. The cited portions only describe, however, enclosed air flow from space 58 up to opening 60, down through channel 56, and back to space 58 through opening 62. Please see Fig. 4 of Dalgleish et al. As such, the cited portions of Dalgleish et al. merely describe cooling heated air by bringing it in contact with a cooling element, rear wall 54, via an enclosed air flow within the lower module 14.

Thus, Dalgleish et al., as cited and relied upon by the Examiner, do not disclose or suggest,

"[o]utdoor radio equipment, comprising:
a radio transmitting and receiving part for performing a
modulation and demodulation process; and
a common part for controlling an action of the radio
transmitting and receiving part, wherein
the radio transmitting and receiving part is provided at the
common part so as to be exposed to open air, and
at least a part of an external side surface of the radio
transmitting and receiving unit is exposed to open air," as recited
in claim 1. (Emphasis added)

The Examiner relied upon Kumagai et al. as a combining reference to specifically address the claimed feature of "performing a modulation and demodulation process," which the

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Examiner acknowledged was absent from Dalgleish et al. Page 2, line 21 to page 3, line 2 of the Office Action. Therefore, the combination of Kumagai et al. would still have failed to cure the above-described deficiencies of Dalgleish et al. even assuming, arguendo, that the combination would have been obvious to one skilled in the art.

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-4, 6-7, and 10 dependent therefrom, is patentable over Dalgleish et al. and Kumagai et al., separately and in combination, for at least the above-stated reasons.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicants appreciate the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

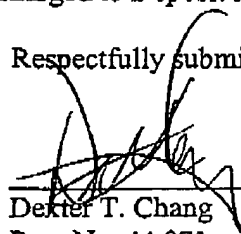
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Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


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